

1 BILL NO. Z-84-05-13

2 ZONING MAP ORDINANCE NO. Z-

16-84

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. Q-6.

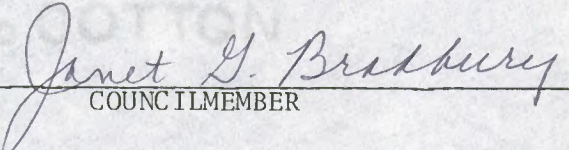
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby  
8 designated an M-1 (Light Industrial) District under the terms of Chapter 33  
9 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Lots 15, 16, 17, 18, 19 and 20 in White and Detzer's  
11 Addition to Fort Wayne according to the plat thereof  
12 recorded in Plat Book 2, page 20, in the Office of the  
13 Recorder of Allen County, Indiana, excepting from said  
Lots those parts thereof conveyed to the State of Indiana  
by deed recorded in Deed Record 436, page 160.

14 and the symbols of the City of Fort Wayne Zoning Map Q-6, as established  
15 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
16 are hereby changed accordingly.

17 SECTION 2. That this Ordinance shall be in full force and effect  
18 from and after its passage and approval by the Mayor.

19  
20   
21 COUNCILMEMBER

22 APPROVED AS TO FORM AND LEGALITY:

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24  
25 BRUCE O. BOXBERGER, CITY ATTORNEY  
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32

Read the first time in full and on motion by Brodbury, seconded by GiaQuinta, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.

DATE: 5-15-84 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Brodbury, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 7-24-84 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(~~SPECIAL~~) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-16-84

on the 24th day of July, 1984,

ATTEST: Sandra E. Kennedy

(SEAL)

Ray A. E. E. E.

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of July, 1984, at the hour of 11:30 o'clock A. .M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of July, 1984, at the hour of 3:00 o'clock PM .M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 10666

DATE FILED 4-10-84

INTENDED USE BATTERY SERVICE CENTER

THIS IS TO BE FILED IN DUPLICATE

I/We Lee N. Koenig

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1 B District to a/an B-3 M-1 District the property described as follows:

Lots 15,16,17,18,19 and 20 in White and Detzer's Addition to Fort Wayne, according to the plat thereof recorded in Plat Book 2, page 20, in the Office of the Recorder of Allen County, Indiana, excepting from said lots those parts thereof conveyed to the State of Indiana by deed recorded in Deed Record 436, page 160.

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Lee N. Koenig

121 Norbert Dr.  
Fremont, Ohio 43420

Lee N. Koenig

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Mark H. Hellinger  
(Name)

5212 S. Hanna St. Ft. Wayne, IN 219 745 3153  
(Address & Zip Code) 46806 (Telephone Number)

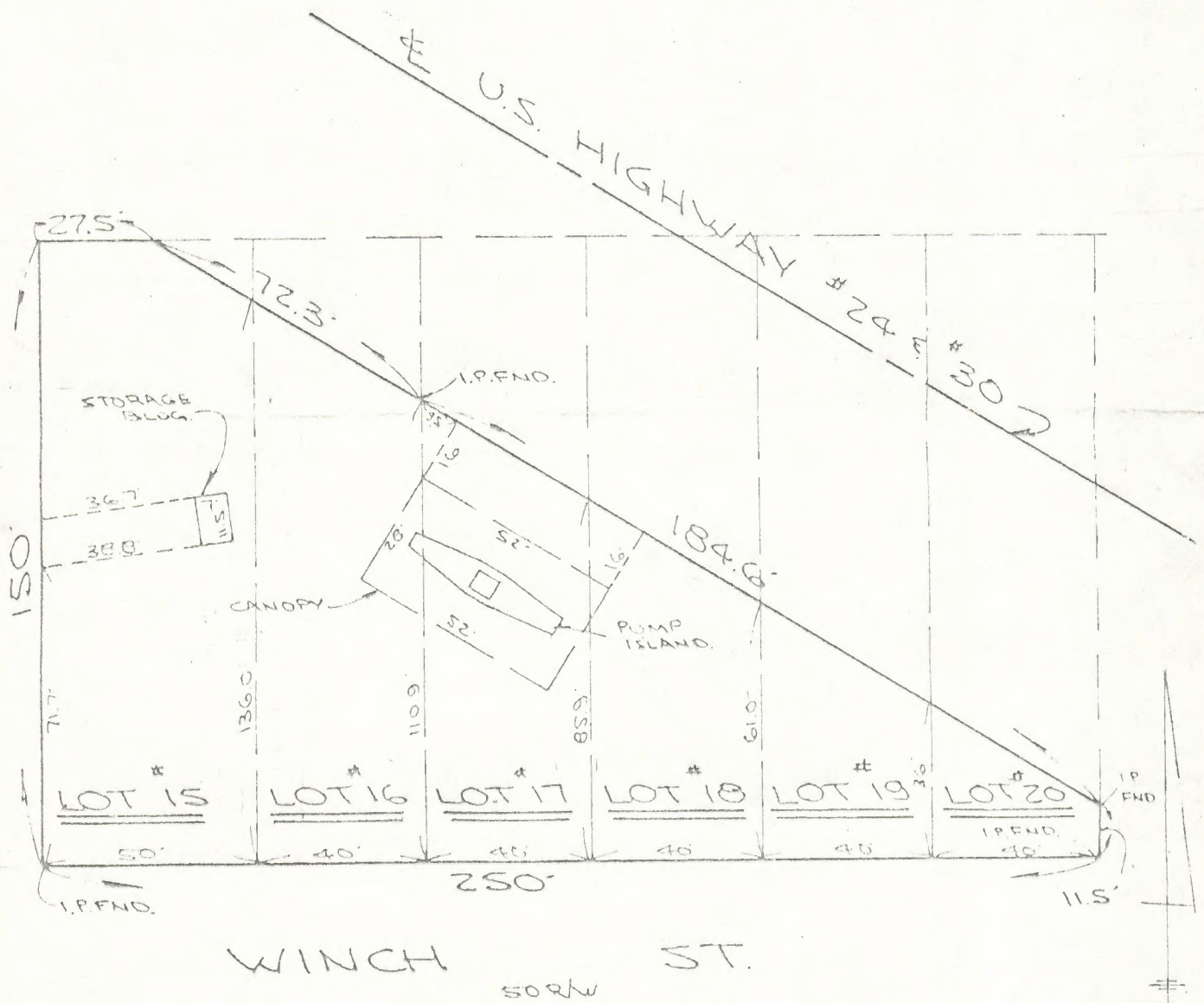
COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

## OFFICE OF:

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA  
REGISTERED LAND SURVEYOR No. 9921 INDIANA  
FORT WAYNE, INDIANA

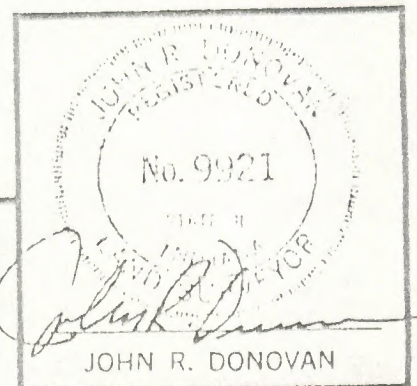
The description of the real estate is as follows, to wit: Lots 15, 16, 17, 18, 19 and 20 in White and Detzer's Addition to Fort Wayne, according to the plat thereof recorded in Plat Book 2, page 20, in the Office of the Recorder of Allen County, Indiana, excepting from said lots those parts thereof conveyed to the State of Indiana by deed recorded in Deed Record 436, page 160.



NOTE: According to the FIA Flood Hazard Boundary Maps, the above described real estate is not located in a flood hazard area.

JOB FOR: MESA REALTY

1-40  
1-13-84



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 15, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-05-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 14, 1984;

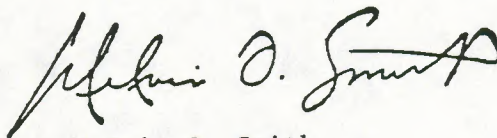
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 25, 1984.

Certified and signed this  
5th day of July 1984.



Melvin O. Smith  
Secretary

Z-84-05-13

## REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-6

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GiaQUINTA

JAMES S. STIER

CONCURRED IN  
SANDERSON

RED IN 7-21-61  
SANDRA E. KENNEDY, CITY CLERK

## RECEIPT

COMMUNITY DEVELOPMENT &amp; PLANNING

No 10666

FT. WAYNE, IND., April 12 1984RECEIVED FROM LEE N. KOENIG

\$

50<sup>00</sup>

THE SUM OF

Fifty and 00/100's

100

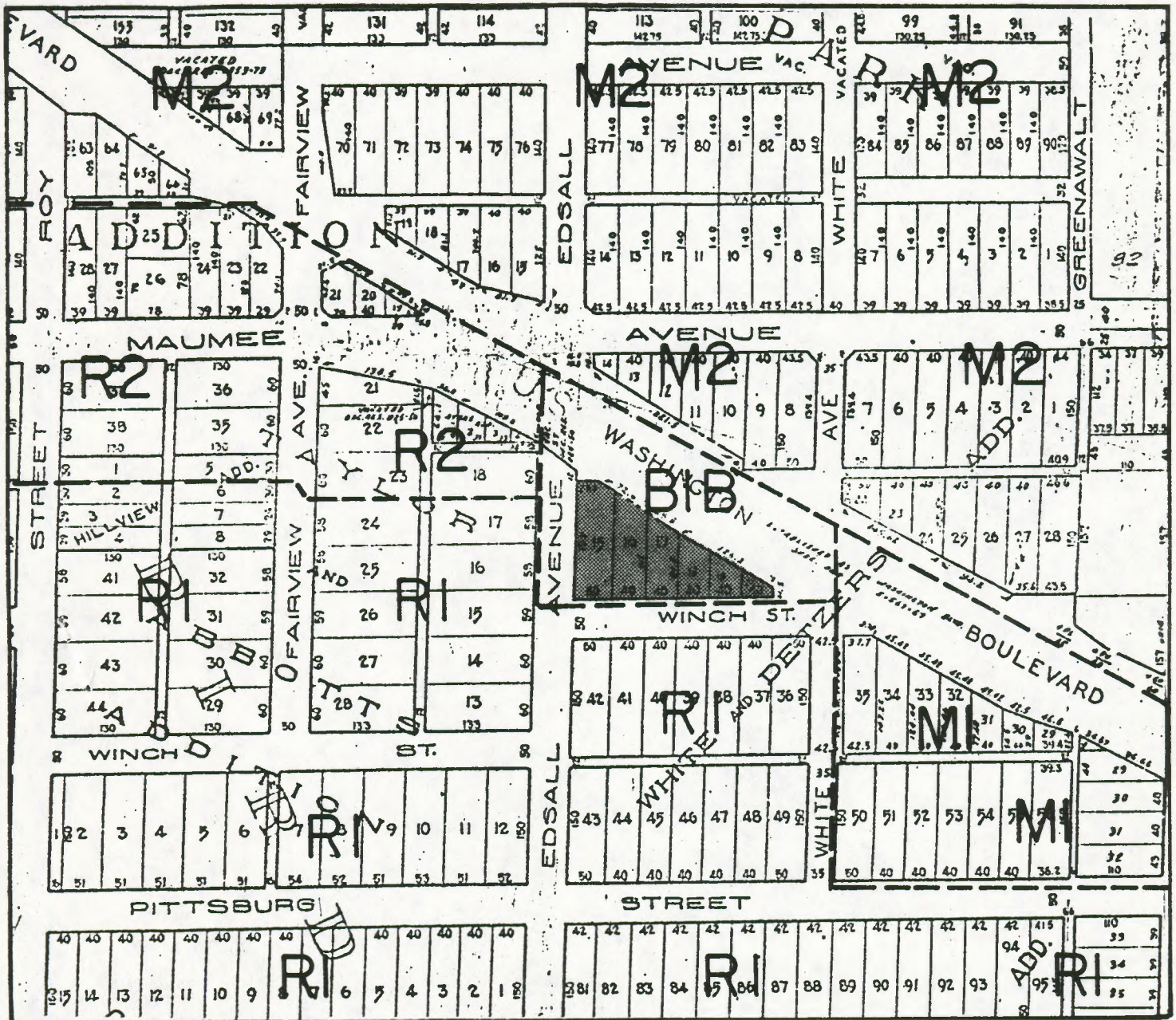
DOLLARS

ON ACCOUNT OF

Project 2A App. For Battery ServiceClinton US 24 (Edwell - Which Wholeness)W. O. J.

AUTHORIZED SIGNATURE

CH#  
1621



A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM A B1B TO AN M1 DISTRICT.

MAP NO. Q-6

Z-94-05-13

4-16-84



# FACT SHEET

Z-84-05-13

BILL NUMBER

## Division of Community Development & Planning

### BRIEF TITLE

Zoning Ordinance Amendment

### APPROVAL DEADLINE

### REASON

### DETAILS

<b>Specific Location and/or Address</b> 3000 East Washington Blvd.
<b>Reason for Project</b> Construct a new building for a new service center for Crown Battery Manufacturing Company.
<b>Discussion (Including relationship to other Council actions)</b> <p>Mark Hellinger, Construction Management &amp; Engineering Corporation state he was representing Lee Koenig of Crown Battery. He stated that the business is 90% wholesale and the other 10% is 8% retail and 2% repair. He stated this would not increase semi traffic. He stated they have one semi that comes daily and they have 4 step vans used for delivery through out the day. They want to store the step vans inside. He stated that there would be no work done outside of the building.</p> <p>The area residents who appeared in opposition were most concerned about the traffic being increased and the affect of more commercial encroachment on property values. There was also concern about the chemical waste that would be generated from the batteries.</p> <p>The decision on the case was deferred at the May 21, 1984 business meeting to allow time to investigate problems relating to the operation of a battery business at this location and to allow time for discussion with the neighborhood residents.</p>

### POSITIONS

### RECOMMENDATIONS

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/Proponents</b>	Applicant(s) Lee Koenig, Crown Battery  City Department  Other
<b>Opponents</b>	<b>Groups or Individuals</b> Glenn Nuttle, Richard Barnes, Anna Huffman, Lee Roeback  <b>Basis of Opposition</b> -does not want more commercial in area; increased traffic; spot zoning; dangerous chemical waste from batteries
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS</b> (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

At the June 25, 1984 business meeting it was recommended that the request be approved subject to the owner complying with OSHA standards of battery waste disposal. It was stated that the owner had already agreed to comply.

**POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input checked="checked" type="checkbox"/> No <input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>	

(This space for further discussion)

**Project Start**

**Date** April 10, 1984

**Projected Completion or Occupancy**

**Date** June 25, 1984

**Fact Sheet Prepared by**

Pat Biancaniello

**Date** July 5, 1984

**Reviewed by**

**Date**

**Reference or Case Number**

ORIGINAL

DIGEST SHEET

Admn. Appr. \_\_\_\_\_

ORIGINAL

3-84-05-13

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lots 15 thru 20 in White & Detzer Addition.

EFFECT OF PASSAGE Property is now zoning B-1-B - Limited Business. Property  
will be zoned M-1 - Light Industrial.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_